IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.254 of 2006
Date of decision : 26.10.2006.

Davinder Singh

.....Petitioner.

Versus

Sukhjinder Kaur.

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. G.P.Vashist, Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 11.11.2005 passed by the learned Guardian Judge, Abohar declining the application of the petitioner for custody of the minor child during the pendency of the petition.

The learned Guardian Court came to the conclusion that there was no material on record as yet to determine the question of custody keeping in view the interest of the minor and accordingly rejected the application moved by the petitioner.

The learned counsel for the petitioner contends that he has not been given right to meet the child even during vacation. However, this contention is misconceived as no such prayer was made by the petitioner before the Guardian Court. Even otherwise, it would be noticed that the petitioner has failed to maintain the minor child as in spite of an order under

Section 125 of Cr.P.C. no payment was made. However, the learned counsel for the petitioner stated that the amount stands paid, now.

In view of what has been stated it would be noticed that the petitioner has been negligent in maintaining the chid and, therefore, the learned Court below has rightly come to the conclusion that he was not entitled to the custody in the absence of any evidence on record showing as to what would be in the interest of the minor.

No merit.

Dismissed.

October 26,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**